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REMARKS

Reconsideration of this application is respectfully requested.

Claim 2 has been deleted, and new claims 3-11 have been added. Upon entry of this amendment, the pending claims will be claims 1 and 3-11.

Support for newly added claim 3 may be found in the present specification at page 10, lines 21-27.

Support for newly added claim 4 may be found in the present specification at page 7, lines 8-20.

Support for newly added claim 5 may be found in the present specification at page 7, lines 21-25

Support for newly added claim 6 may be found in the present specification at page 8, lines 3-5.

Support for newly added claim 7 may be found in claim 2 of the original claims and in the present specification at page 7, lines 8-20 and at page 14, lines 5-13.

Support for newly added claim 8 may be found in the present specification at page 10, lines 21-27, and at page 13, lines 15-22.

Support for newly added claim 9 may be found in the present specification at page 13, lines 15-22.

Support for newly added claim 10 may be found in the present specification at page 12, line 25 to page 13, line 5.

Support for newly added claim 11 may be found in the present specification at page 13, lines 15-22.

On page 2 of the Official Action, a new oath is required to correctly identify the October 22, 2002, filing date of priority application JP2002-306451.

A new oath is submitted herewith correctly identify the October 22, 2002, filing date of priority application JP2002-306451.

For the reasons given on page 2 of the Official Action, Figures 7-9, 15 and 16 are objected to, and for the reasons given on page 3 of the Official Action all of the drawings are objected to.

It is stated that Figures 7-9, 15 and 16 should include a legend, such as "Prior Art", and that the drawings should be numbered in consecutive order. Correction is required.

To obviate this objection, a corrected set of drawings is submitted herewith.

For the reasons given on page 3 of the Official Action, the Abstract is objected to.

This objection has been obviated by the foregoing amendments, whereby the Abstract has been reworded.

For the reasons given on page 3 of the Official Action, the disclosure is objected to for not including a required section, i.e. a Brief Description of the Several Views of the Drawings.

This objection has also been obviated by the foregoing amendments, whereby the brief description of the drawings section has been inserted.

For the reasons given on page 4 of the Official Action, claim 2 is objected to. The Examiner states that the phrase "for winding up a finely powdered drug" is indefinite, especially with respect to the word "winding".

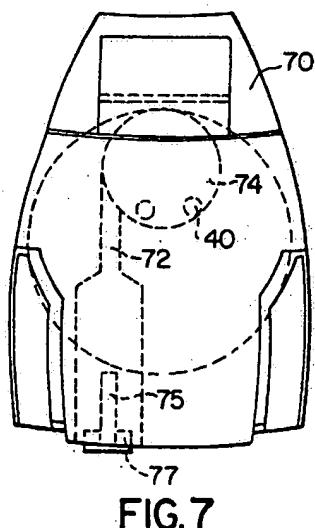
This objection has been obviated by the foregoing amendments, whereby claim 2 has been deleted and rewritten as new claim 7. In new claim 7, "winding" has been changed to "taking".

Accordingly, the objection to claim 2 should be withdrawn.

For the reasons given on page 4 of the Official Action, claims 1 and 2 are rejected under 35 USC 102(b) over the disclosure of the Ligotke U.S. Patent No. 6,427,688.

This rejection is respectfully traversed.

In the Official Action, it is stated that whistle 75 is disclosed in column 7, lines 32-45, and in Figure 7 of the Ligotke patent.



Column 7, lines 32-45 of the Ligotke patent states:

The inhaler may be provided with a feedback device such as a vibrating element, or a whistle or tone generator 75, as shown in FIG. 7. A reed or other vibrating member produces a sound or tactile vibration which turns on or changes in pitch based on the patient's inspiratory flow rate. In this way, the patient can be trained to inhale at the proper flow rate, via the feedback provided by the tactile vibration or sound generated by the patient's inspiration. The feedback device 75 is preferable located at the upstream end of the inhaler. (upstream of the powder path), as shown in FIG. 7. If the feedback device is a sound generator, a button or switch 77 is also preferably provided to allow the patient to switch the sound generator off, so that the inhaler may be used discretely.

Figure 7 is also discussed on column 6, lines 30-41, wherein it is stated:

Referring to FIGS. 4-7, the inhaler 60 has an inlet 72 extending into the housing 62 and connecting into a dispersion chamber 74. An outlet 76 at the front end of the dispersion chamber 74 connects into a mouthpiece 70. One or more beads 40 are contained within the dispersion chamber 74, as described above with respect to the inhaler 20 shown in FIGS. 1-3. In use, a dose is released from a dose container 66, passes through a chute or opening 79 and into the chamber 74. The patient inhales on the mouthpiece 70, causing the beads 40, drug dose, and air to move about, producing a powder aerosol for inhalation, as described above.

In view of the above-quoted passages, it is clear that the Ligotke patent does not describe a whistle 75 located in mouthpiece 70. Claim 1 of the present claims recites that a whistle is attached to an opening in a mouthpiece. Therefore, the Ligotke patent does not describe an embodiment of the present claim 1.

The Ligotke patent also does not suggest a removable whistle. To the contrary, at column 7, lines 42-45, it is suggested that a button or switch is needed to turn the sound

generator off. Accordingly, new claims 3 and 8-11 are particularly novel and nonobvious.

The Ligotke patent does not suggest the embodiments illustrated in the present Figures 10-14, wherein a whistle is located in a side aperture 15c, rather than in the opening 15e for introducing air to entrain drug particles.

Accordingly, the embodiments of new claim 7 are also particularly novel and nonobvious.

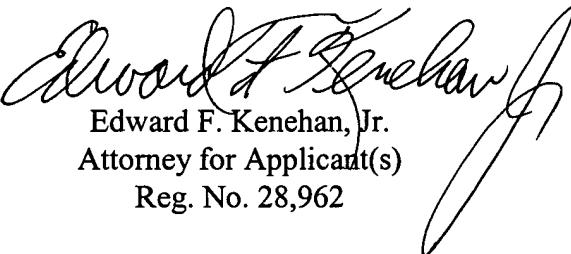
The rejections under 35 USC 102 should be withdrawn.

Allowance is requested.

In the event that this paper is not timely filed, Applicant respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akihiko Miyamoto

P.T. O. Confirmation No. 3385

Serial Number: 10/658,744

Group Art Unit: 3743

Filed: September 10, 2003

Examiner: Andrea M. Ragonese

For: ASTHMA DRUG INHALER WITH WHISTLE

Customer No. 38834

REQUEST FOR APPROVAL OF DRAWING CHANGES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

June 23, 2004

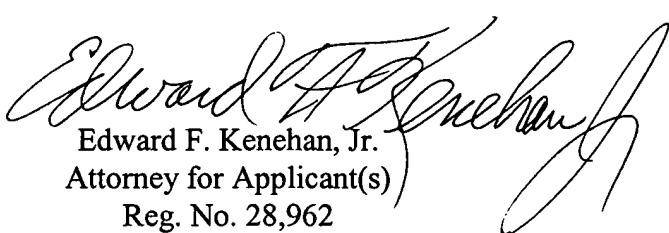
Sir:

Applicant submits herewith five (5) sheets of drawings for the above-identified application with the changes shown in red.

If any fees are required in connection with this submission, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

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Fig. 7

~~Patent Art~~

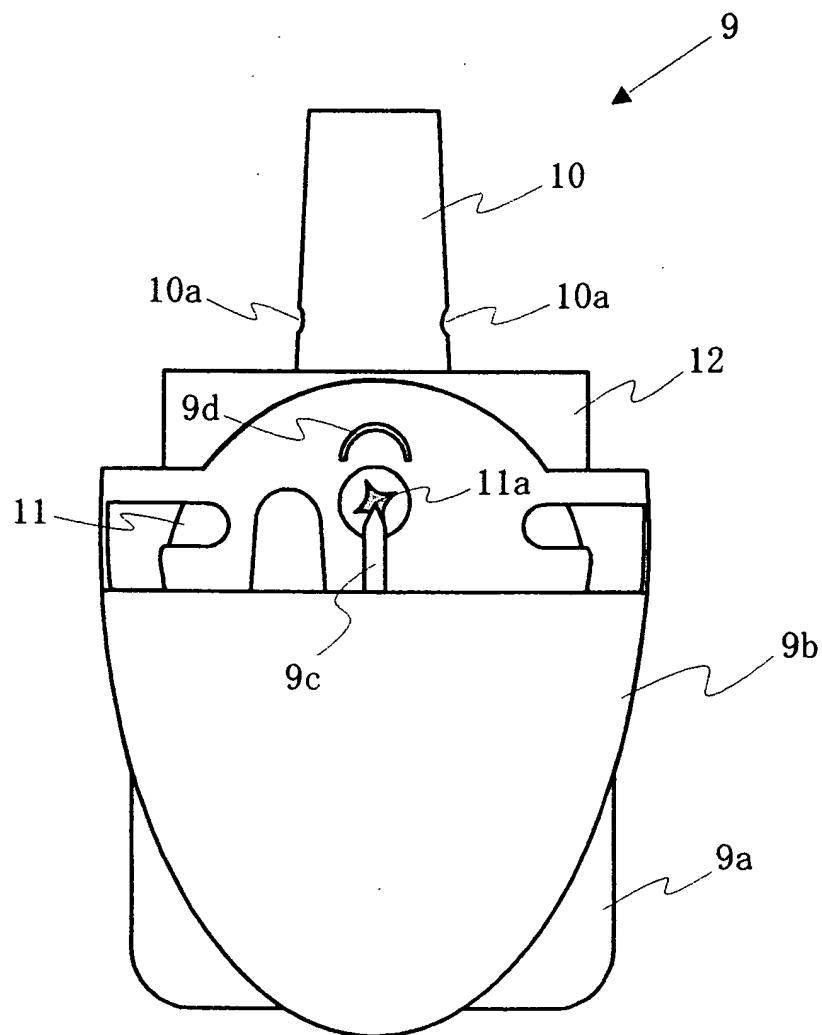


Fig. 8

Prior Art

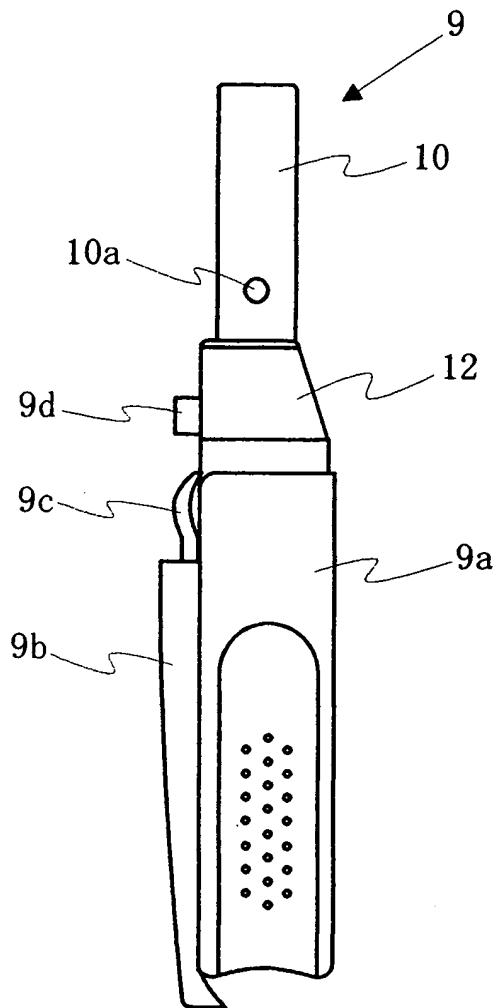


Fig. 9

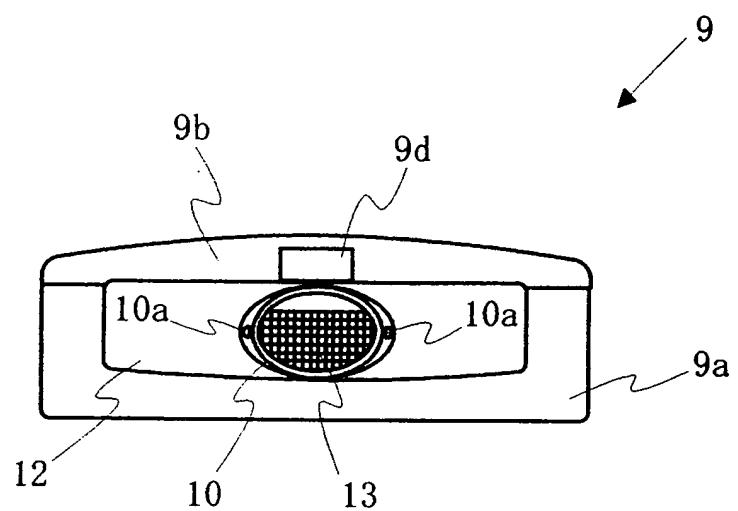


Fig. 15

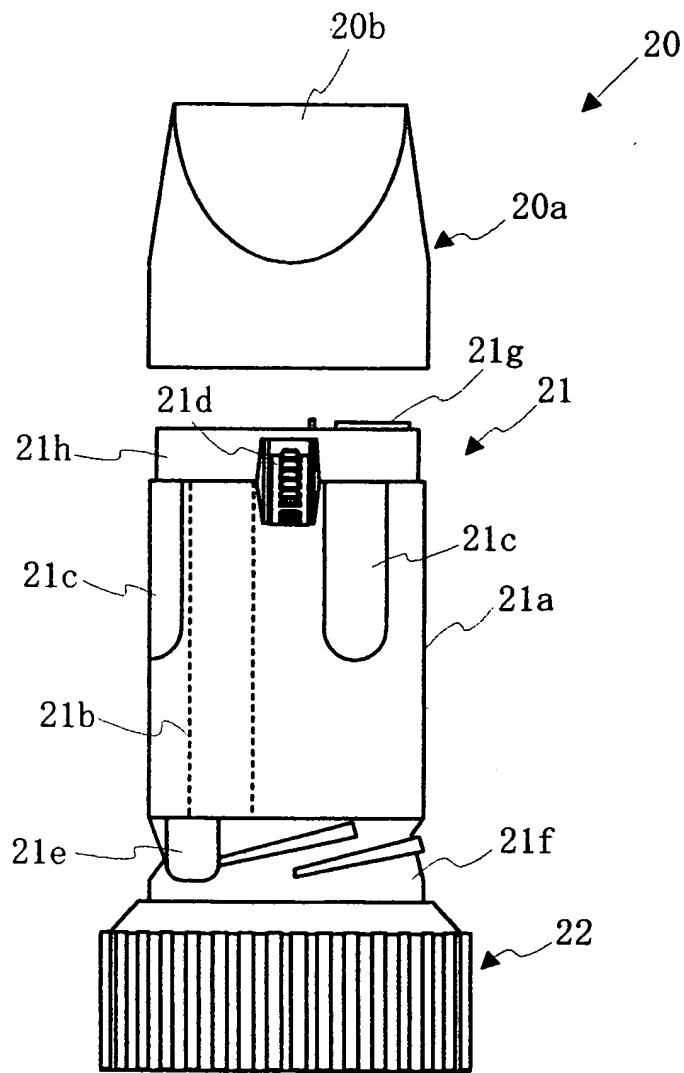


Fig. 16

~~Priority~~

